

Valencia v. Live Lion Security LLC
No. 21 Civ. 448 (PK)

EXHIBIT 2

**Declaration of Abigal Schwartz for Rust
Consulting, Inc.**

Affirmation of Louis Pechman in Support of
Motion for Final Settlement Approval

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RAMON VALENCIA, on behalf of himself and
all others similarly situated,

Plaintiff,

-against-

LIVE LION SECURITY LLC, BENJAMIN
MEHREL, and JOSEPH JACOBOWITZ,

Defendants.

) 21 Civ. 00448 (PK)

)
) **DECLARATION**
) **OF ABIGAIL SCHWARTZ**
) **FOR RUST CONSULTING, INC.**

1 I, Abigail Schwartz declare as follows:

2 1. I am a Program Manager for Rust Consulting, Inc. ("Rust"). My business address
3 is 920 2nd Ave S, Suite 400, Minneapolis, Minnesota 55402. My telephone number is (612) 359-
4 2078. I am over twenty-one years of age and am authorized to make this declaration on behalf of
5 Rust and myself.

6 2. Rust has extensive experience in class action matters, having provided services in
7 class action settlements involving antitrust, securities fraud, property damage, employment
8 discrimination, employment wage and hour, product liability, insurance and consumer issues. We
9 have provided notification and/or claims administration services in more than 7,500 cases. Of
10 these, approximately 3,300 were Labor & Employment cases.

11 3. Rust was engaged by Counsel for the Plaintiff and Counsel for the Defendants
12 (collectively the "Parties") to provide notification services in the Valencia v. Live Lion Security
13 LLC Settlement. Duties included: a) preparing, printing and mailing of the Notice Of Class And
14 Collective Action Settlement ("Class Notice") in English and Spanish; b) tracking of exclusions
15 and objections; c) drafting and mailing Settlement Award checks; and d) for such other tasks as
16 the Parties mutually agree or the Court orders Rust to perform.

17 4. Rust obtained a mailing address of Valencia v Live Lion Security, c/o Rust
18 Consulting, Inc - 7592, P.O. Box 2396, Faribault, MN 55021-9096 to receive exclusions,
19 objections, undeliverable Class Notices and other communications regarding the Settlement.

20 5. Rust obtained a toll-free telephone number of (888) 773-8396 for Class Members
21 to call with questions regarding the Settlement. The toll-free telephone number was included in the
22 Class Notice.

23 6. On or about March 16, 2022, Rust received text for the Class Notice from Counsel.
24 A draft of the formatted Class Notice was prepared by Rust and approved by the Parties. A copy
25 of the Spanish and English language versions of the Class Noticed mailed to Plaintiff Valencia is
26 attached as Exhibit C to the Affirmation of Louis Pechman in Support of Plaintiffs' Unopposed
27 Motion for Final Class and Collective Action Settlement Approval.

1 7. On or about February 25, 2022, Counsel for the Defendants provided Rust with a
2 mailing list containing Class Member's names, last known addresses, Social Security Numbers
3 and applicable employment information ("Class List"). The Class List contained data for 87
4 potential Class Members.

5 8. The mailing addresses contained in the Class List were processed and updated
6 utilizing the National Change of Address Database ("NCOA") maintained by the U.S. Postal
7 Service. The NCOA contains requested changes of address filed with the U.S. Postal Service. In
8 the event that any individual had filed a U.S. Postal Service change of address request, the address
9 listed with the NCOA would be utilized in connection with the mailing of the Class Notice.

10 9. On March 24, 2022, Class Notices were mailed to 87 Class Members contained in
11 the Class List via First Class mail. The Class Notice advised Class Members that they could
12 submit an exclusion and/or objection postmarked by July 5, 2022.

13 10. Rust performed 25 address traces on Class Notices returned as undeliverable for
14 the first time as of July 5, 2022. The address trace utilizes the Class Member's name, previous
15 address and Social Security Number for locating a current address. Of the 25 traces performed, 15
16 more current addresses were obtained and Class Notices were promptly re-mailed to those Class
17 Members via First Class mail. Of the 25 traces performed, Rust did not obtain updated addresses
18 for 10 undeliverable Class Notices. Of the 15 Class Notices mailed to a more current address
19 identified from trace, two (2) Class Notices were returned to Rust as undeliverable a second time.
20 As of this date, 12 Class Notices remain undeliverable.

21 11. As of this date, zero (0) Class Notices were returned by the Post Office with
22 forwarding addresses attached as of July 5, 2022.

23 12. As of this date, Rust received zero (0) exclusions.

24 13. As of this date, Rust received zero (0) objections.

25 14. As of August 01, 2022, Rust is holding \$250,351.91 in the QSF, inclusive of
26 interest. Defendants have deposited \$50,000 on or about the first of each month from April 2022
27 to August 2022. Per the terms of the Parties' settlement, Defendants must make two more
28 \$50,000 deposits in September and October 2022. *See* Sett. Agreement § XV(2).

